

February 21, 1975

LB 284. This came about as a result of the fact that Section 29-506 was inadvertently omitted from LB 828. Also when we were dealing with the subject matter of the bail bond procedure, additional information was placed into the bill concerning the disposition of appearance bonds and bail bonds which was felt to be somewhat ambiguous in the law, so that was clarified at the same time. There was . . . I might indicate there was no opposition to the bill. Mr. Dunlevey, State Court Administrator, explained the reasons and the difficulties being involved throughout the state.

SPEAKER: Any further discussion? Seeing none, the question is shall the bill be advanced to E & R initial. Have you all voted? The Clerk will record.

CLERK: 29 ayes, 0 nays, Mr. President.

SPEAKER: The bill is advanced. LB 285. Senator Luedtke.

CLERK: Read bill.

SENATOR LUEDTKE: Mr. President, I move LB 285 be advanced to E & R initial. Mr. President, members of the Legislature, LB 285 was also requested by the Court Administrator. In as much as we have had a leading United States Supreme Court case in Ray Ogersinger, which dealt with the rights of individuals who were entitled to legal counsel. We are dealing with the entire field of indigents, and particularly indigents and misdemeanor cases. The law in Nebraska has been rather clear and the procedure has been followed rather uniformly that in felony cases courts have appointed counsel where people could not afford it or indigents came up with an indigency affidavit. In this case we are dealing with the indigents who are before the court on misdemeanors. This was also mandated by the Supreme Court opinion that I just referred to, the Ogersinger case, and our own Supreme Court in Nebraska has touched upon the matter in a couple decisions. In order to make it very clear that the court may do what they are already doing, incidentally in some cases, they want to make sure that we state it is a matter of public policy, we will do it in Nebraska. That's what this bill would do.

SPEAKER: Chair recognizes Senator Clark.

SENATOR CLARK: Mr. President, members of the body, I'd like to ask Senator Luedtke a question.

SPEAKER: Do you yield Senator Luedtke?

SENATOR LUEDTKE: Yes.